



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 17, 1995

Mr. Alberto R. Gonzales
General Counsel
Office of the Governor
P.O. Box 12428
Austin, Texas 78711

OR95-1074

Dear Mr. Gonzales:

Your predecessor asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. The request was assigned ID# 27583.

The Office of the Governor received a request for information concerning a grant application for funds under the Victims of Crime Act ("VOCA"). Specifically, the requestor seeks "a copy of the evaluation documents used to determine the approval or denial of the VOCA grant applications."¹ Your predecessor submitted the requested information to us for review. He claimed that section 552.111 of the Government Code exempts this information from required public disclosure.

Section 552.111 exempts "[a]n interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." In Open Records Decision No. 615 (1993) at 5, this office concluded that section 552.111 exempts

¹We note that section 552.008 of the Government Code provides that the Open Records Act does not grant authority to withhold information from legislators to use for "legislative purposes." Your predecessor argued that because the requestor sought the records "to assist the Southwest Family Life Center in obtaining future monies to continue services," the records were not sought for "legislative purposes" within the meaning of section 552.008. We agree. *But see* Act of May 29, 1995, 74th Leg., R.S., ch. 1035, § 2, 1995 Tex. Sess. Law Serv. 5129 (Vernon) (to be codified at Gov't Code § 552.008) (for requests made after September 1, 1995, governmental body shall provide requested records to a member of the legislature if he or she states that the records are requested for legislative purposes).

At the time the request for records was made the requestor was a member of the Texas House of Representatives. He is no longer a representative; therefore, for purposes of this ruling, we will treat this request as one from a member of the general public. We note, however, that the result would be the same in either case.

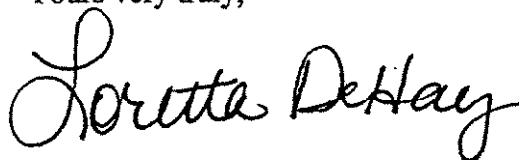
from public disclosure only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body. Section 552.111 does not, however, except purely factual information from disclosure. *Id.*

Your predecessor submitted to us for review numerous documents entitled "Internal Review Team Scoring Sheet" and "Grant Application Review Form." He stated that "staff members in the Criminal Justice Division of the Office of the Governor prepare these evaluation documents in their official roles of reviewers and evaluators of grant applications" and that "[t]hese evaluations represent the staff members' opinions, advice, and recommendations to the Governor in connection with [his] approval or disapproval of the individual grant applications." In Open Records Letter No. 94-414 (1994), this office addressed the availability of scoring sheet and grant application review information, and concluded that section 552.111 of the Government Code excepts some of the information from required public disclosure.

We have reviewed the documents submitted to this office. We agree that the scores on the Internal Review Team Scoring sheets and the rank order indicated on the Grant Application Review forms constitute internal communications consisting of advice, recommendations, and opinions reflecting the policymaking processes of the Office of the Governor. Accordingly, you may withhold this information under section 552.111 of the Government Code.² The remaining information, however, must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/GCK/rho

Ref.: ID# 27583

²We remind you that section 552.111 is a discretionary exception under the act. See Gov't Code § 552.007. Therefore, the Office of the Governor may choose to release to the public some or all of this information with impunity.

Enclosures: Submitted documents
Open Records Letter No. 94-414 (1994)

cc: Honorable Pedro G. Nieto
c/o Honorable Tracy O. King
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(w/o enclosures)